

ORDINANCE NO. \_\_\_\_\_

AN ORDINANCE amending Title 27 of the Lincoln Municipal Code relating to the Zoning Code by amending Section 27.61.090 relating to Continuation of Nonstandard Uses, and Section 27.63.280 relating to Special Permits; Expansion of Nonconforming Uses, to allow for the enlargement, extension, or reconstruction of buildings and structures located upon a premises the use of which constitutes a nonstandard use by special permit; and repealing Sections 27.61.090 and 27.63.280 of the Lincoln Municipal Code as hitherto existing.

BE IT ORDAINED by the City Council of the City of Lincoln, Nebraska:

Section 1. That Section 27.61.090 of the Lincoln Municipal Code be amended to read as follows:

**27.61.090 Continuation of Nonstandard Uses.**

Nonstandard uses existing immediately prior to the effective date of this title and uses becoming nonstandard through a change in the zoning ordinance or district boundaries may be continued, although such uses do not conform to the provisions hereof.

~~Nonstandard~~ Structures and buildings located upon a premises the use of which constitutes a nonstandard use may be enlarged, extended, or reconstructed, as follows:

(a) Enlargements, extensions, or reconstructions may be made as required by law or ordinance or ordered by the Director of Building and Safety to secure the safety of the structure;

(b) Enlargements, extensions or reconstruction of buildings or structures may be made if authorized under the provisions of Section 27.63.280 or 27.63.540;

1           ~~(b)~~ (c) Enlargement, extension, or reconstruction of buildings or structures may otherwise  
2 be made if such changes comply with the minimum requirements as to front yard, side yard, rear  
3 yard, height, and unobstructed open space for the district in which they are located.

4           Section 2. That Section 27.63.280 of the Lincoln Municipal Code be amended to  
5 read as follows:

6       **27.63.280      Special Permits: Expansion of Nonconforming and Nonstandard Uses.**

7           In all zoning districts, except the B-5 zoning district, a special permit may be granted to  
8 authorize the issuance of a building permit to permit the enlargement, extension, conversion,  
9 reconstruction or structural alteration of any building located upon premises, the use of which  
10 constitute a nonconforming use. In all zoning districts, a special permit may be granted to authorize  
11 the issuance of a building permit to permit the enlargement, extension, or reconstruction of any  
12 building or structure located upon a premises the use of which constitutes a nonstandard use.

13           In consideration of applications for ~~such~~ the above special permits, the following criteria  
14 shall be given specific consideration:

- 15           (a)     Effects on adjacent property, traffic, city utility service needs;  
16           (b)     Density of land use zoning for the subject property and adjacent property;  
17           (c)     The degree of hardship upon the applicant which would be caused by failure to grant  
18 such a permit.

19           Signs permitted in the most restrictive zoning district in which the nonconforming use is  
20 allowed as a permitted or a conditional permitted use may be approved as part of the enlargement,  
21 extension, conversion, reconstruction, or structural alteration of any building located upon premises,  
22 the use of which constitutes a nonconforming use; provided, that the total sign area permitted by the

underlying district in which the nonconforming use is located shall not be exceeded unless the Planning Commission finds that:

(1) The sign or signs and their illumination, if any, will not adversely affect the surrounding area; and

(2) The sign or signs are necessary for the expansion of the nonconforming use.

Section 3. That Sections 27.61.090 and 27.63.280 of the Lincoln Municipal Code as hitherto existing be and the same are hereby repealed.

Section 4. That this ordinance shall take effect and be in force from and after its passage and publication according to law.

Introduced by:

\_\_\_\_\_

Approved as to Form & Legality:

\_\_\_\_\_  
City Attorney

Approved this \_\_\_\_ day of \_\_\_\_\_, 2006:

\_\_\_\_\_  
Mayor